

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC,

Plaintiff,

v.

STAN COHEN,

Defendant.

NO: CV-12-481-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80281

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for

Entry of Default and Judgment against Defendant Stan Cohen, and it appearing

from the file and records of this Court in this cause that the default judgment

(Bkcy. Dkt. No. 14) entered by the Bankruptcy Court should be deemed proposed

1 findings of fact and conclusions of law, and that entering final default judgment in
2 conformity with the default judgment entered by the Bankruptcy Court is
3 appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11
6 Trustee for LLS America, LLC, shall have a judgment against the Defendant, Stan
7 Cohen, as follows:

8 1. Monetary Judgment in the amount of CAD \$103,541.60 and \$246,833.86
9 USD, pursuant to 11 U.S.C. § 550 and RCW 19.40.071;

10 2. Transfers in the amount of CAD \$103,541.60 and \$246,833.86 USD made
11 to Defendant Stan Cohen within four years prior to the Petition Filing Date are
12 hereby avoided and Plaintiff may take all necessary action to preserve the same,
13 pursuant to 11 U.S.C. §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1)
14 and (2) and RCW 19.40.071;

15 3. All said transfers to Defendant Stan Cohen are hereby set aside and
16 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant
17 Stan Cohen for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§
18 544, 550 and 551;

19 5. All proofs of claim of the Defendant which have been filed or brought or
20 which may hereafter be filed or brought by, on behalf of, or for the benefit of any

1 of the Defendant Stan Cohen or his affiliated entities, against the Debtor's estate, in
2 this bankruptcy or related bankruptcy proceedings, are hereby disallowed and
3 subordinated to the monetary judgment granted herein and Defendant Stan Cohen
4 shall not be entitled to collect on his proofs of claim (Claim Nos. 560-1 and 561-1)
5 until the monetary judgment is satisfied by Defendant Stan Cohen in full, pursuant
6 to 11 U.S.C. §§ 502(d), 510(c)(1) and 105(a);

7 6. A constructive trust is hereby established over the proceeds of all transfers
8 in favor of the Trustee for the benefit of the estate of LLS America; and

9 7. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00
10 USD, for a total judgment of CAD \$103,541.60, plus \$247,083.86 USD, which
11 shall bear interest equal to the weekly average of one-year constant maturity
12 (nominal) treasury yield as published by the Federal Reserve System.

13 The District Court Clerk is directed to enter this Order, enter judgment as
14 outlined above, and provide copies to counsel and to Judge Patricia Williams.

15 DATED this 31st day of October 2012.

s/ Rosanna Malouf Peterson
ROSANNA MALOUF PETERSON
Chief United States District Court Judge